

**United States District Court**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

**TROY ANTHONY SMOCKS,**

**Plaintiff,**

**v.**

**THE UNITED STATES OF AMERICA,**

**Defendant.**

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**Civil Action No. 4:22-cv-1028-ALM-KPJ**

**ORDER**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #43), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. In the Report, the Magistrate Judge recommended denying Plaintiff’s “Motion for *nihil dicit* Default Judgment” (Dkt. #10). Plaintiff filed Objections (Dkt. #44), to which Defendant filed a response (Dkt. #45).

The Court has conducted a *de novo* review of the Objections and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the Objections are without merit as to the ultimate findings of the Magistrate Judge. Accordingly, Defendant’s Objections (Dkt. #44) are **OVERRULED** and the Magistrate Judge’s Report (Dkt. #43) is **ADOPTED** as the findings and conclusions of the Court.

**IT IS THEREFORE ORDERED** that Plaintiff’s “Motion for *nihil dicit* Default Judgment” (Dkt. #10) is hereby **DENIED**.

**SIGNED this 5th day of September, 2023.**

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE